

EXHIBIT B

RECEIVED

2012 MAY 23 PM 2:26

MONROE COUNTY COURT

At a Term of this Court held in and for the County of Monroe at the Monroe County Supreme Court, Commercial Part, 545 Hall of Justice, Rochester, NY 14614 on the 10th day of May, 2012.

PRESENT: HON. MATTHEW A. ROSENBAUM, J.S.C.
Supreme Court Justice Presiding

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

ALEXBAY, LLC,

Plaintiff,

-VS.-

EBER BROS. WINE & LIQUOR CORP.;
SOUTHERN WINE & SPIRITS OF AMERICA, INC.;
EBER BROS. WINE & LIQUOR METRO, INC.; and
JOHN DOES 1 – 10, being fictitious names intended to
designate other entities or persons claiming any
interest in Eber Bros. Wine & Liquor, Inc.'s
"OWNERSHIP INTEREST IN EBER BROS. WINE &
LIQUOR METRO, INC.";

Defendants.

ORDER

Index No.: 2012-1919


Plaintiff, Alexbay, LLC, having brought a Motion seeking an Order determining that Plaintiff's proposed acceptance of certain collateral, in full satisfaction of an obligation owed to Plaintiff, is "commercially reasonable" as the term is defined in the Uniform Commercial Code; and awarding such other and further relief as the Court deems just, equitable and proper,

NOW UPON reading the Notice of Motion dated March 15, 2012, on behalf of Plaintiff in support of the Motion, together with the Affidavit of Lester Eber, sworn to the 14th day of March, 2012, together with exhibits thereto, in support of Plaintiff's Motion, and having no opposition thereto, it is hereby

ORDERED, that part of Plaintiff's Motion seeking a determination that Alexbay's acceptance of certain collateral in full satisfaction of Eber Bros' obligation is "Commercially Reasonable" under the Uniform Commercial Code is GRANTED, and it is further

ORDERED, that part of Plaintiff's Motion seeking dismissal of Defendant Southern Wine & Spirits of America, Inc. from this action is GRANTED.

Dated: May 4, 2012


HON. MATTHEW A. ROSENBAUM
Supreme Court Justice

ENTERED: 5/23/12